

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26397 OF 2007

Date: 31-12-2007

Between:

G.Deepthi

... Petitioner

And

1. The Joint Collector,
Prakasam District at Ongole
and others

... Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26397 OF 2007

ORDER:

Heard Sri R.K.Jwala, learned Senior Counsel appearing for the petitioner and the learned A.G.P.for Civil Supplies.

2. The writ petition is filed praying for a Writ of Mandamus, declaring the order of the 2nd respondent in Rc.F.466/2007 dated 1.6.2007 canceling the F.P.Shop dealership authorization of the petitioner and the inaction of the 1st respondent on the statutory appeal of the petitioner dated 18.6.2007 and the stay petition filed along with the statutory appeal as arbitrary, illegal, improper, in just and contrary to Sub clause (2) of Clause 2 of A.P. State Public Distribution System Control order 2001 and violative of orders of this court in W.P.No.15941 of 2007, dated 26.7.2007 and Article 14 and 19(1)(g) of the Constitution of India and pass such other suitable orders.

3. In the application praying for amendment in W.P.MP.No.37240 of 2007 which had been ordered by this court, the relief had been prayed for declaring the orders of the first respondent in R.C.C.No.S2/4045/2007, dated 22.11.2007 dismissing the petition for stay and appeal filed against orders of the 2nd respondent dated 01.6.2007 as arbitrary, illegal, malafide and contrary to principles of law and issue further appropriate orders. The said order dated 22.11.2007 reads as hereunder:

“ Smt.G.Deepthi, W/o Satyanarayana Reddy, FP Shop Dealer,

Bollamkondavaripalem village, Tallur Mandal has filed an appeal along with stay petition before the Collector(CS) , Prakasam against the orders of the Revenue Divisional Officer, Kandukur vide reference 2nd read above in which her authorization was cancelled, with a request to stay the operation of the orders of Revenue Divisional Officer, Kandukur dated 1.6.2007 vide reference 1st read above, canceling the authorization of the petitioner, until disposal of the appeal. After careful examination of the stay petition interim stay is hereby rejected for want of proper grounds and deserves no consideration. Accordingly the appeal is dismissed as devoid of any grounds of appeal. A Revision lies to the District Collector, Ongole within 30 days from the date of receipt of this order.”

4. Except observing that after careful consideration of stay petition, interim stay is rejected for want of proper grounds and deserves no consideration and accordingly, the appeal is dismissed as devoid of any grounds of appeal, no reasons as such had been recorded. The appellate authority is expected to record reasons while disposing of a matter. May be for reasons best known in undue haste the said order had been made. This court is not inclined to express any further opinion relating to the said aspect. However, since the said impugned order dated 22.12.2007 made by Collector, CS, Ongole, being devoid of any reasons whatsoever, the same is hereby quashed and the matter is remitted to the Collector, CS, Ongole to pass appropriate orders, after due application of mind, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No order as to costs.

P.S.NARAYANA,J

31st December, 2007.

PNV

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